

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 4473 OF 2005**

Sanjay Vishwanath Kocchar & Ors ...Applicants

Versus

State of Maharashtra & Anr ...Respondents

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Mr. A.H.H. Ponda, Advocate for Applicants

Ms. Veena Gowda, Advocate for Respondent No.2.

Mr. M.S. Mhambray, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 12TH AUGUST, 2005

P. C. :-

1. Leave to amend. Amendment to be carried out forthwith.

2. Heard the learned advocate for the applicants i.e. original accused, the learned advocate for the respondent No.2 and the learned A.P.P. for the State.

3. The applicants are seeking quashing of case No.841/P of 2001 which is pending before the learned Additional Chief Metropolitan Magistrate, 19th Court, Esplanade, Mumbai. The said case pertains to C.R. No.11/2001. The said complaint is under Section

498-A and 406 of I.P.C.

4. The learned advocate for the respondent i.e. original complainant states that the parties have amicably settled the dispute among themselves and the consent terms to that effect have been arrived at between the parties. The said consent terms have been filed before the Family Court at Bandra, Mumbai in Petition No.C-95 of 2001 and Petition No. A-1264 of 2003. The learned advocate for the applicants on instructions states that the applicants will withdraw the cases mentioned in the consent terms within a month from today. The applicant No.1 who is present in person also states that he will comply with the consent terms filed between the parties. In view of this statement, the learned advocate for the respondent i.e. original complainant on instructions states that the complainant has no objection to case No.841/P of 2001 being quashed. Looking to the above fact in order to maintain peace and amicable relations between the parties and looking to the fact that the complainant does not wish to prosecute her complaint, in my view, no purpose would be achieved by continuing with the prosecution of the said case. Hence, case No.841/P of 2001 and C.R. No.11 of 2001 and the proceedings relating thereto are quashed.

5. Application is allowed in the above terms.

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